

VIOLATION OF SUPERVISION PROCEEDINGS MINUTE SHEET

		Time In/Out:	11:06am – 11:30am	Court Time:	24 minutes	
			Date:	5/8/2023		
	Cr. No.	13-1152 WJ	USA v.	Sam Elyicio		
	The Honorable	William P. Johnson				
Clerk/Law Clerk:		Richard Garcia/None		Court Reporter:	M. Loughran	
Defendant:		Present		Defendant's Counsel:	Wayne Baker	
AUSA:		Nora Wilson		Probation Officer:	Nathan Montano	
VSR Held:		Albuquerque, NM		Interpreter:	N/A	

ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS

X	Court questions Defendant regarding voluntary nature of admission.
X	Court finds Defendant competent to proceed
X	Court advises Defendant of his/her rights
X	Court advises / confirms Defendant is aware of charges and possible penalty:
	Defendant ADMITS violation(s): failed to refrain from unlawful use of a controlled substance; failed to refrain from use of and possession of alcohol; failed to submit to substance abuse testing; failed to report as directed by Probation; failed to live in a place approved by Probation.
X	Proceed to sentencing Violation Report WAIVED / NOT WAIVED Other:

SENTENCE IMPOSED

Supervision imposed:		Imprisonment:	12 months and 1 day	Supervised Release:	None
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SPECIAL CONDITIONS

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OTHER

X	ADVISED OF Appeal Rights
X	HELD IN CUSTODY
X	Recommended place of incarceration: The Court recommends designation to protective custody.

NOTES:	PO addresses the Court re Defendant's circumstances; recommends 10 months custody and 24 months of continued supervised release. Ms. Wilson addresses the Court; concurs with PO's recommendation. Mr. Baker addresses the Court on behalf of his client; requests a term at the high end of the guidelines with no further term of supervision. Defendant addresses the Court. The Court notes continued supervision will not set him up for success; Court will not impose another term of supervision.
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